

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

NATHANIEL PATTERSON,)
)
Petitioner,)
)
vs.) Case No. CIV-09-1105-F
)
JUSTIN JONES, Director,)
)
Respondent.)

ORDER

This action seeks habeas relief under 28 U.S.C. § 2254 (doc. no. 1). Petitioner also requests an evidentiary hearing and has moved separately (doc. no. 17) for appointment of counsel. Petitioner appears *pro se*, and his pleadings are liberally construed.

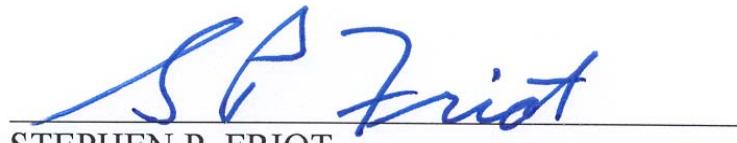
Magistrate Judge Valerie K. Couch entered her Report and Recommendation in this matter on June 29, 2010, recommending that the petition be denied (doc. no. 21). Petitioner has filed an objection to the magistrate judge's recommended findings and conclusions. (Doc. no. 24.) The court reviews the objected to matters *de novo*.

After careful study of petitioner's objections, the Report, the record, and the relevant legal authorities, the court finds and concludes that it concurs with the magistrate judge's determinations. Among his other objections, petitioner contends that the magistrate judge misconstrued petitioner's challenge in ground one to Oklahoma's drug trafficking statute. The Report, however, fairly characterizes the nature of petitioner's challenge. Petitioner also argues in his challenge to ground one that he was not allowed a fair opportunity to conduct discovery or that he was not allowed appointment of counsel to effectively obtain data on the subject of his constitutional claims. Conclusions stated throughout the Report, however, dispose of

these arguments. Accordingly, the court finds that no purpose would be served by further describing petitioner's challenges, by repeating the magistrate judge's determinations, or by presenting any additional analysis here.

The Report and Recommendation of Magistrate Judge Couch is **ACCEPTED**, **ADOPTED** and **AFFIRMED** in its entirety. Accordingly, the Petition for a Writ of Habeas Corpus is **DENIED**. Additionally, petitioner's request for an evidentiary hearing and his motion for appointment of counsel are **DENIED**.

Dated this 23rd day of August, 2010.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

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